

# Notice of Allowability

Application No.

09/333,963

Examiner

Colin M. LaRose

Applicant(s)

TAKAOKA, NAOKI

Art Unit

2623

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Attorney Interview on 30 September 2005.
2. ☒ The allowed claim(s) is/are 1-4,8,11-13,16-18,23 and 25-32 renumbered 1-20.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 090905, 093005.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

jm

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Hyung Sohn (44,346) on 30 September 2005.

The application has been amended as follows:

**See attached sheets for the complete listing of claims.**

2. The following is an examiner's statement of reasons for allowance:

Independent claims 1, 23, and 25 have been amended so that the special image processing designated by the operator includes at least two separate special image processes. This added limitation precludes an interpretation of the claim wherein the special image processing includes only one special image process, thereby obviating the need to cancel unsuitable combinations of special image processes.

Independent claims 1, 23, and 25 have been amended to indicate that the special image processes designated by the operator are stored in the image processing apparatus. It is this limitation that essentially renders the claim unobvious over the prior art of record. The Kubo reference and other similar prior art disclosures utilize a graphical user interface to receive instructions from an operator pertaining to special image processes to be carried out. The GUIs

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of Kubo and other prior art are generally operative to receive instructions and then automatically engage in a priority-based selection scheme. That is, when an operator selects a first special image process to be carried out and then successively selects a second special image process to be carried out as well, the GUI will automatically deselect the first special image process when the first and second image processes are mutually exclusive. Such a concept is well-known in the art and is well taught by the Nielsen reference – a user is presented with a list of options that are mutually exclusive; if the user selects more than one option before clicking “OK” or an equivalent command to commence the operation, the previously selected option is canceled. Examples of menus of such options are found in figure 11 of Kubo. Only one command from each menu can be selected at a time, and the commands are not carried out until the user clicks the “OK” button shown in figure 10.

The Examiner has found this to be the conventional method for handling sets of mutually exclusive special image process commands. In contrast, independent claims 1, 23, and 25 specify that the special image processes are stored in the image processing apparatus. For example, an operator instructs combinations of special image processes, and those instructed special image processes are stored in some part of the image processing apparatus, such as a customer card shown in figure 4 of the present application. Kubo and the other prior art do not disclose such a feature. In Kubo, the user can select successive special image processes, and the system will automatically carry out a priority scheme for nullifying an invalid combination, however, those special image processes are not stored in the image processing apparatus. In other words, Kubo’s system retains no memory of any combinations of special image processes – only a currently specified instruction is kept somewhere in memory. As soon as a second and mutually exclusive

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option is selected, the previously selected instruction is canceled, and no record of it remains. In the present invention, the combinations of instructed special image processes are stored concurrently on e.g. a customer card, and cancellation of the unsuitable combinations is effected on the basis of the stored data rather than being instantaneously cancelled without storage as is accomplished in the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Colin M. LaRose whose telephone number is (571) 272-7423. If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Jingge Wu, can be reached on (571) 272-7429. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600 Customer Service Office whose telephone number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CML  
Group Art Unit 2623  
2 October 2005

A handwritten signature in black ink, appearing to read 'Vikram Bali', is positioned above the printed name.

**VIKKRAM BALI  
PRIMARY EXAMINER**